

CLERK OF COURT
DISTRICT OF MASS.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

2005 JAN 26 P 4: 21

_____)	
NEIGHBORHOOD)	CIVIL ACTION
ASSOCIATION OF THE BACK)	NO. 04cv11550-RCL
BAY, INC. et al.)	CLERK OF COURT
Plaintiffs)	PLAINTIFFS' MOTION FOR
)	EXTENSIONS OF TIME TO FILE
v.)	MOTION FOR SUMMARY
)	JUDGMENT AND RELATED
FEDERAL TRANSIT)	MOTIONS AND OPPOSITIONS
ADMINISTRATION et al.)	(Assented to)
Defendants)	
_____)	

The plaintiffs move under Fed.R.Civ.P. 6(b) that the time for filing their motion for summary judgment be extended from January 26, 2005 to February 22, 2005, with the remaining deadlines commensurately rescheduled as follows.

- Motions for summary judgment due February 22, 2005
- Oppositions and cross motions for summary judgment due March 29, 2005
- Opposition to cross motions and replies due April 14, 2005
- Replies, if leave to file replies is granted, due April 29, 2005

As grounds for this motion, the plaintiffs state the following.

1. The present deadline for the plaintiff's motion for summary judgment is the result of a joint motion to set a briefing schedule.

2. The undersigned attorney for the plaintiffs mistakenly believed that the agreed date for the plaintiff's motion for summary judgment was to be January 31, 2005, based on the last draft of the joint motion circulated.

3. On January 27, 2005, the undersigned plaintiff's attorney is beginning trial in Walraven et al. v. American Standard, Inc. et al, Middlesex Superior Court Civil Action No. 04-3940. The undersigned expects this trial to last three weeks. The quick scheduling of this trial is due to the serious medical condition of the plaintiff. Several out-of-state witnesses and out-of-state counsel are participating in the trial. Motions in limine are being heard on January 25 and 26, 2005, and the remainder of this jury trial will follow beginning January 27, 2005.

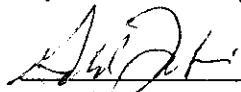
Certificate of Conferring
LR 7.1(a)(2)

I hereby certify that on January 26, 2005, I spoke with counsel for defendant Federal Transit Administration, who spoke with counsel for the Mass. Bay Transportation Authority, and that because of plaintiffs' counsel's three week trial, opposing counsel have assented to this motion.


Gerald Fabiano

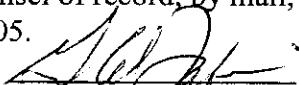
Plaintiffs Neighborhood Association
of the Back Bay, Inc., Dorothy
Bowmer, Marianne Castellani, Ann
D. Gleason and Frederick C. Gleason

By their attorney


Gerald Fabiano BBO No. 157130
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617-350-0950

Certificate of Service

I hereby certify that a true copy of the above document was served upon all counsel of record, by mail, on January 26, 2005.


Gerald Fabiano